

REMARKS/ARGUMENTS

The Miscellaneous Action mailed December 3, 2002, has been received and carefully reviewed. The Miscellaneous Action was discussed with the Examiner during a personal interview on January 3, 2003, and the Applicant's representative would like to thank the Examiner for his helpful comments and suggestions.

First, Applicant takes issue with the Examiner's decision to issue a Miscellaneous Action instead of another Office Action after considering all claim amendments and arguments, because the Office Action mailed April 23, 2002, merely indicated that claim 21 was "inaccurate." Applicant fully responded to this statement in the Amendment and Response filed August 23, 2002 by stating that "an actuator is not a necessary component of every lock." Thus, because the Examiner has raised a new ground for rejection by supplementing his previous position, the proper action would have been to issue a new non-final Office Action and set a statutorily-shortened, 3-month time period for responding.

Second, Applicant takes issue with the Examiner's statement that "when looking to the specification to determine the scope of the term 'lock'" According to MPEP 2111.01, words in the application ordinarily are to be given their "plain meaning." The term "lock" is well-known to person of skill in the art and has common definitions in technical dictionaries. Therefore, there is no legal justification for limiting the definition of term "lock" in the present claims by referring to the specification and Applicant contends that claims should be interpreted as broadly as the claim terms allow. MPEP 2111.01. Therefore, the Examiner's reliance upon the specification for the definition of a common term in the field is not warranted.

Claim 21 has been amended to recite "the first lock comprises a first actuator" and "the

second lock comprises a second actuator” as proposed during the interview. Claim 21 is now believed to be in compliance with the requirements of MPEP 2173.02. Applicant respectfully requests that Amendment filed on August 23, 2002, be entered.

Respectfully submitted,
DENNISON, SCHULTZ &
DOUGHERTY

By: 

Amir H. Behnia
Reg. No. 50,215
(703) 412-1155 Ext. 16

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

21. (Three Times Amended) An apparatus as in claim 19, [further comprising] wherein:
the first lock comprises a first actuator coupled to the [first lock and] first sensor and
the second lock comprises a second actuator coupled to the [second lock and] the second
sensor, wherein the first and second actuators convert electric signals generated by the sensors
into mechanical energy to actuate the first and second locks, respectively.